

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JINGYU CHEN,

Plaintiff,

-against-

YONG ZHAO CAI, et al.,

Defendants.

ORDER

19-CV-05387 (PMH)

PHILIP M. HALPERN, United States District Judge:

Following the January 12, 2021 Case Management Conference, the Court directed, *inter alia*, that the Eastern US Buddha’s Study (Falun Dafa) Association, Inc., Friends of Falun Gong, Inc., International Falun Dafa Association, Inc., New York Falun Dafa Association Corp., NY Metropolitan Falun Dafa Association, Inc., Falun Gong Club of Orange County, Inc., Falun Dafa Information Center, Inc., and Upstate New York Falun Dafa Association, Inc. (collectively “Corporate Defendants”) “shall answer or otherwise move [with respect to the Second Amended Complaint] in accordance with Rule 4(C) of this Court’s Individual Practices, on February 16, 2021.” (Doc. 86 ¶ 4).

Rule 4(C) of this Court’s Individual Practices requires that a party seeking leave to file a motion to dismiss engage in an exchange of letters with their adversary and thereafter file a letter requesting a pre-motion conference with the Court. The Corporate Defendants did not follow this process with respect to the Second Amended Complaint. As such, the Corporate Defendants’ pending motion to dismiss (Doc. 95) is DENIED without prejudice to renew following compliance with the process outlined in Rule 4(C).

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 95 and to mail a copy of this Order to Defendant Kim K. Cheung at the address provided

in the associated Notice of Appearance (Doc. 67). Plaintiff is directed to mail a copy of this Order to Cheung as well and to file proof of service on the docket.

SO ORDERED:

Dated: New York, New York
February 22, 2021

A handwritten signature in black ink, appearing to read 'PHILIP M. HALPERN', written over a horizontal line.

PHILIP M. HALPERN
United States District Judge